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REGULATIONS
CONCERNING RIGHT OF WAY FOR
RAILWAY LINES
(WITH TELEGRAPH AND TELEPHONE)
THROUGH INDIAN LANDS.

(APRIL 18, 1899, WITH AMENDMENTS OF APRIL 8, 1901)

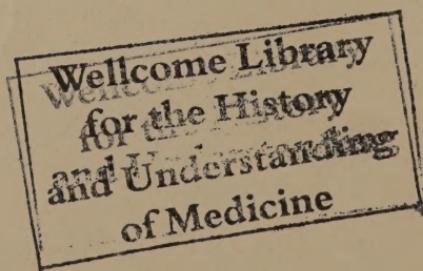


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REGULATIONS
OF THE
DEPARTMENT OF THE INTERIOR,
UNDER ACT OF MARCH 2, 1899,

CONCERNING RIGHT OF WAY FOR A RAILWAY, TELEGRAPH,
AND TELEPHONE LINE THROUGH ANY INDIAN RESERVATION,
LANDS HELD BY ANY TRIBE OR NATION IN INDIAN TERRI-
TORY, LANDS RESERVED FOR AGENCY OR OTHER PURPOSES
CONNECTED WITH INDIAN SERVICE, OR ALLOTTED LANDS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 18, 1899.

The following regulations are prescribed under the act of March 2, 1899 (Public—No. 150), granting right of way for a railway, telegraph, and telephone line through any Indian reservation, lands held by any tribe or nation in Indian Territory, lands reserved for agency or other purposes connected with Indian service, or allotted lands:

1. By said act a right of way is granted "through any Indian reservation in any State or Territory, or through any lands held by an Indian tribe or nation in Indian Territory, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian Service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation," to any railroad company organized under the laws of the United States or of any State or Territory.

PERMISSION TO SURVEY OR LOCATE ROAD.

2. No railroad company is authorized to survey or locate a line of road through or across any of said lands until permission from the Secretary of the Interior has first been obtained.

3. Any railroad company desiring to obtain such permission must file its application therefor in this office, for transmission to the Secretary of the Interior. Such application should, in as particular a manner as possible, describe the proposed line of road within the lands named in this act, and must be accompanied by—

First. A copy of its articles of incorporation, duly certified to by the proper officer of the company under its corporate seal or by the secretary of the State or Territory where organized.

Second. A copy of the State or Territorial law under which the company was organized, with the certificate of the governor or secretary of the State or Territory that the same is the existing law.

Third. When said law directs that the articles of association or other papers connected with the organization be filed with any State or Territorial officer, the certificate of such officer that the same have been filed according to law, with the date of the filing thereof.

Fourth. When a company is operating in a State or Territory other than that in which it is incorporated, the certificate of the proper officer of the State or Territory is required that it has complied with the laws of that State or Territory governing foreign corporations to the extent required to entitle the company to operate in such State or Territory.

No forms are prescribed for the above portion of the proofs required, as each case must be governed to some extent by the laws of the State or Territory.

Fifth. The official statement, under seal of the proper officer, that the organization has been completed; that the company is fully authorized to proceed with the construction of the road according to the existing law. (Form 1.)

Sixth. An affidavit by the president, under the seal of the company, showing the names and designations of its officers at the date of the filing of the proofs. (Form 2.)

Seventh. If certified copies of the existing laws regarding such corporations, and of new laws as passed from time to time, be forwarded to this office by the governor or secretary of any State or Territory, a company organized in such State or Territory may file, in lieu of the requirements of the second subdivision of this paragraph, a certificate of the governor or secretary of the State or Territory that no change has been made since a given date, not later than that of the laws last forwarded.

4. If the above showing has been made in connection with an application for right of way over the public lands under the general right-of-way act of March 3, 1875, a reference to the previous application will be sufficient.

PREPARATION OF MAPS OF LOCATION.

5. It is provided by the third section of this act that "before the grant of such right of way shall become effective a map of the survey of the line of route of said road must be filed with and approved by the Secretary of the Interior."

6. All maps of location presented for approval under this act should be filed with this office and should be drawn on tracing linen and in duplicate.

7. Where the line of road is greatly in excess of 20 miles separate maps should be filed in 20-mile sections.

8. Where right of way is desired for spurs or short branch lines which

will not greatly enlarge the size of the map, they may be shown on the same map with the main line, and should be separately described in the forms by termini and length. For longer lines separate maps should be filed. Grounds desired for station purposes may be indicated on the map of location of the road, but separate plats of such grounds must be filed and approved.

9. The maps should show any other road crossed, or with which connection is made, and, whenever possible, the station number on the survey thereof at the point of intersection. All such intersecting roads must be represented in ink of a different color from that used for the line for which the applicant asks right of way. Field notes of the surveys should be written along the line on the map. If the map would thereby be too much crowded to be easily read, then duplicate field notes should be filed separate from the map, and in such form that they may be folded for filing. In such case it will be necessary to place on the map only a sufficient number of station numbers to make it convenient to follow the field notes of the map. The map must also show the lines of reference of initial and terminal points, with their courses and distances.

10. Typewritten field notes, with clear carbon copies, are preferred whenever separate field notes are necessary, as they expedite the examination of applications. The field notes, whether given on the map or filed separately, must be so complete that the line may be retraced from them on the ground. They should show whether lines were run on true or magnetic bearings; and in the latter case the variation of the needle and date of determination must be stated. One or more bearings (or angular connections with public survey lines) must be given. The ten-mile sections must be indicated and numbered on all lines of road submitted.

11. The scale of maps showing the line of route should be 2,000 feet to an inch. The maps may, however, be drawn to a larger scale when necessary; but the scale must not be so greatly increased as to make the map inconveniently large for handling. In most cases by furnishing separate field notes an increase of scale can be avoided. Plats of station grounds should be drawn on a scale of 400 feet to an inch, and must be filed separately from the line of route. Such plats should show enough of the line of route to indicate the position of the tract with reference thereto.

12. The termini of the line of road should be fixed, by reference of course and distance to the nearest existing corner of the public survey. The map, engineer's affidavit, and president's certificate (Forms 3 and 4) should each show these connections. The company must certify in Form 4 that the road is to be operated as a common carrier of passengers and freight. A tract for station grounds must be similarly referenced and described on the plat and in Forms 7 and 8, except when the tract conforms to the subdivisions of the public surveys, in which case it may be described in the forms according to the subdivisions.

13. When either terminal of the line of route is upon unsurveyed land it must be connected by traverse with an established corner of the public survey, if not more than 6 miles distant from it, and the single bearing and distance from the terminal point to the corner computed and noted on the map, in the engineer's affidavit, and in the president's certificate (Forms 3 and 4). The notes and all data for the computation of the traverse must be given.

14. When the distance to an established corner of the public survey is more than 6 miles, this connection will be made with a natural object or a permanent monument which can be readily found and recognized, and which will fix and perpetuate the position of the terminal point. The map must show the position of such mark, and course and distance to the terminus. There must be given an accurate description of the mark and full data of the traverse, as required above. The engineer's affidavit and president's certificate (Forms 3 and 4) must state the connections. These monuments are of great importance.

15. Whenever the line of survey crosses a township or section line of the public survey, the distance to the nearest existing corner should be ascertained and noted. The map or plat should show these distances and the station numbers at the points of intersection. When field notes are submitted, they should also contain these distances and station numbers.

16. The engineer's affidavit and president's certificate must be written on the map, and must both designate by termini and length, in miles and decimals, the line of route for which right-of-way application is made. (See Forms 3 and 4.) Station grounds must be described by initial point and area in acres (see Forms 7 and 8); and when they are on surveyed land the smallest legal subdivision in which they are located should be stated. No changes or additions are allowable in the substance of any forms, except when the essential facts differ from those assumed therein.

SHOWING TO ACCOMPANY MAP OF LOCATION.

17. It is further provided by this act—

That no right of way shall be granted under this act until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made, said Secretary shall afford the parties so objecting a full opportunity to be heard: *Provided further*, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless, in his opinion, public interest will be promoted thereby.

18. In filing maps of location for approval under this act, the same should therefore be accompanied by the affidavit of the president or other principal officer of the company, defining the purpose, intent, and ability of the company in the matter of the construction of the

proposed road. Further, each map should be accompanied by evidence of the service of an exact copy thereof, and the date of such service, upon (1) the individual; (2) in case of a reservation, the agent in charge; (3) in case of the Five Civilized Tribes, upon the principal chief or secretary of such tribe or nation.

19. No action will be taken upon such map until the expiration of twenty days from the date of such service.

20. If the line of location be parallel to and within ten miles of a railroad which was in course of construction, or actually constructed, at the date of this act, it must be shown wherein the public interests will be promoted by the construction of the proposed road.

APPROVAL OF MAPS OF LOCATION.

21. Upon the approval of a map of location by the Secretary of the Interior the duplicate copy will be forwarded to the Commissioner of the General Land Office, the original to remain on file in the office of the Commissioner of Indian Affairs.

CONSTRUCTION OF ROAD.

22. A railroad company will not be permitted to proceed with the construction of any portion of its road until the map showing the location thereof has first been approved by the Secretary of the Interior.

The fourth section of the act provides as follows:

That if any such company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right of way hereby granted shall be deemed forfeited and abandoned *ipso facto* as to that portion of the road not then constructed and in operation: *Provided*, That the Secretary may, when he deems proper, extend, for a period not exceeding two years, the time for the completion of any road for which right of way has been granted and a part of which shall have been built.

23. By the terms of section 6 of this act the provisions of section 2 of the act of March 3, 1875, are made applicable to rights of way granted in this act. Said section 2 is as follows:

That any railroad company whose right of way, or whose track or roadbed upon such right of way, passes through any canyon, pass, or defile shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile, for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade. And the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any wagon or other public highway now located therein, nor prevent the location through the same of any such wagon road or highway where such road or highway may be necessary for the public accommodation; and where any change in the location of such wagon road is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such wagon road, cause the same to be reconstructed at its own expense in the most favorable location, and in as perfect a manner as the original road: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile.

24. When the railroad is constructed, an affidavit of the engineer and certificate of the president (Forms 5 and 6) must be filed in this office, in duplicate. If a change from the route indicated upon the approved map of location is found to be necessary, on account of engineering difficulties or otherwise, new maps and field notes of the changed route must be filed and approved, and a right of way upon such changed lines must be acquired, damages ascertained, and compensation paid on account thereof, in all respects as in the case of the original location, before construction can be proceeded with upon such changed line.

ACQUIREMENT OF THE RIGHT OF WAY AND ASCERTAINMENT OF DAMAGES OCCASIONED BY THE CONSTRUCTION OF THE ROAD.

25. Upon the approval of the map of definite location specific directions will be given in the matter of the acquirement of the right of way and determination of damages occasioned by the construction of the road.

26. The act provides that before the grant of the right of way shall become effective—

the company must make payment to the Secretary of the Interior, for the benefit of the tribe or nation, of full compensation for such right of way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe. Before any such railroad shall be constructed through any land, claim, or improvement held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken or damage done by reason of the construction of such railroad.

PAYMENT FOR TRIBAL LANDS.

27. The conditions on different reservations throughout the country are so varied that it is deemed inadvisable to prescribe definite rules in the matter of determining the tribal compensation and damages for right of way. As a rule, however, the United States Indian agent, or a special United States Indian agent, or Indian inspector, will be designated to determine such compensation and damages, subject to the approval of the Secretary of the Interior.

ALLOTTED LANDS AND LANDS OCCUPIED UNDER INDIAN CUSTOM.

28. Railway companies should not independently attempt to negotiate with the individual occupants and allottees for right of way and damages. When the lands are not attached to an agency some proper person will be designated to act with the allottee in determining the individual damages. Where such lands are attached to an Indian agency, the United States Indian agent or other proper person connected with the Indian service will be designated to act with and for the allottees or occupants in the matter of determining individual damages for right of way, subject to the approval of the Secretary of the Interior.

29. The act provides that—

In case of failure to make amicable settlement with any such occupant or allottee, such compensation shall be determined by the appraisement of three disinterested referees to be appointed by the Secretary of the Interior, who, before entering upon the duties of their appraisement, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to the Secretary of the Interior. If the referees can not agree then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right within sixty days after the making of the award and notice of the same to appeal, in case the land in question is in the Indian Territory, by original petition to the United States court in the Indian Territory sitting at the place nearest and most convenient to the property sought to be condemned; and if said land is situated in any State or Territory other than the Indian Territory, then to the United States district court for such State or Territory, where the case shall be tried *de novo*, and the judgment for damages rendered by the court shall be final and conclusive. When proceedings are commenced in court, as aforesaid, the railroad company shall deposit the amount of the award made by the referees with the court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned, and proceed with the construction of the railway. Each of the referees shall receive for his compensation the sum of four dollars per day while engaged in the hearing of any case submitted to them under this act. Witnesses shall receive the fees usually allowed by courts within the district where such lands are located. Costs, including compensation of the referees, shall be made part of the award or judgment and be paid by such railroad company.

RESERVED LANDS.

30. The superintendent of the school, United States Indian agent, or other proper person connected with the Indian service, will be designated to determine the damages for right of way through such lands.

CHARGES FOR PASSENGER AND FREIGHT SERVICE WITHIN THE INDIAN TERRITORY.

31. The fifth section of the act provides that—

* * * within the Indian Territory upon any railroad constructed under the provisions of this act the rates and charges for passenger and freight service, if not otherwise prescribed by law, may be prescribed by the Secretary of the Interior from time to time, and the grants herein are made upon condition that the companies shall transport mails whenever required to do so by the Post-Office Department.

A copy of the act is hereto attached.

[PUBLIC—No. 150.]

AN ACT To provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way for a railway, telegraph, and telephone line through any Indian reservation in any State or Territory, or through any lands held by an Indian tribe or nation in Indian Territory, or through any lands reserved for an Indian agency or for other purposes in connection with the Indian service, or through any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to

the allottee with full power of alienation, is hereby granted to any railroad company organized under the laws of the United States, or of any State or Territory, which shall comply with the provisions of this act and such rules and regulations as may be prescribed thereunder: *Provided*, That no right of way shall be granted under this act until the Secretary of the Interior is satisfied that the company applying has made said application in good faith and with intent and ability to construct said road, and in case objection to the granting of such right of way shall be made said Secretary shall afford the parties so objecting a full opportunity to be heard: *Provided further*, That where a railroad has heretofore been constructed, or is in actual course of construction, no parallel right of way within ten miles on either side shall be granted by the Secretary of the Interior unless in his opinion public interest will be promoted thereby.

SEC. 2. That such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include ground adjacent thereto for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, not to exceed one hundred feet in width by a length of two thousand feet, and not more than one station to be located within any one continuous length of ten miles of road: *Provided*, That this section shall apply to all rights of way heretofore granted to railroads in the Indian Territory where no provisions defining the width of the rights of way are set out in the act granting the same.

SEC. 3. That the line of route of said road may be surveyed and located through and across any of said lands at any time, upon permission therefor being obtained from the Secretary of the Interior; but before the grant of such right of way shall become effective a map of the survey of the line or route of said road must be filed with and approved by the Secretary of the Interior, and the company must make payment to the Secretary of the Interior, for the benefit of the tribe or nation, of full compensation for such right of way, including all damage to improvements and adjacent lands, which compensation shall be determined and paid under the direction of the Secretary of the Interior, in such manner as he may prescribe. Before any such railroad shall be constructed through any land, claim, or improvement held by individual occupants or allottees in pursuance of any treaties or laws of the United States, compensation shall be made to such occupant or allottee for all property to be taken, or damage done, by reason of the construction of such railroad. In case of failure to make amicable settlement with any such occupant or allottee such compensation shall be determined by the appraisement of three disinterested referees, to be appointed by the Secretary of the Interior, who, before entering upon the duties of their appointment, shall take and subscribe before competent authority an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to the Secretary of the Interior. If the referees can not agree, then any two of them are authorized to make the award. Either party being dissatisfied with the finding of the referees shall have the right within sixty days after the making of the award and notice of the same to appeal, in case the land in question is in the Indian Territory, by original petition to the United States court in the Indian Territory sitting at the place nearest and most convenient to the property sought to be condemned; and if said land is situated in any State or Territory other than the Indian Territory then to the United States district court for such State or Territory, where the case shall be tried *de novo* and the judgment for damages rendered by the court shall be final and conclusive. When proceedings are commenced in court as aforesaid, the railroad company shall deposit the amount of the award made by the referees with the court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construc-

tion of the railway. Each of the referees shall receive for his compensation the sum of four dollars per day while engaged in the hearing of any case submitted to them under this act. Witnesses shall receive the fees usually allowed by courts within the district where such land is located. Costs, including compensation of the referees, shall be made part of the award or judgment and be paid by such railroad company.

SEC. 4. That if any such company shall fail to construct and put in operation one-tenth of its entire line in one year, or to complete its road within three years after the approval of its map of location by the Secretary of the Interior, the right of way hereby granted shall be deemed forfeited and abandoned ipso facto as to that portion of the road not then constructed and in operation: *Provided*, That the Secretary may, when he deems proper, extend, for a period not exceeding two years, the time for the completion of any road for which right of way has been granted and a part of which shall have been built.

SEC. 5. That where a railroad is constructed under the provisions of this act through the Indian Territory there shall be paid by the railroad company to the Secretary of the Interior, for the benefit of the particular nation or tribe through whose lands the road may be located, such an annual charge as may be prescribed by the Secretary of the Interior, not less than fifteen dollars for each mile of road, the same to be paid so long as said land shall be owned and occupied by such nation or tribe, which payment shall be in addition to the compensation otherwise required herein. And within the Indian Territory upon any railroad constructed under the provisions of this act the rates and charges for passenger and freight service, if not otherwise prescribed by law, may be prescribed by the Secretary of the Interior from time to time, and the grants herein are made upon condition that the companies shall transport mails whenever required to do so by the Post-Office Department.

SEC. 6. That the provisions of section two of the act of March third, eighteen hundred and seventy-five, entitled "An act granting to railroads the right of way through the public lands of the United States," are hereby extended and made applicable to rights of way granted under this act and to railroad companies obtaining such rights of way.

SEC. 7. That the Secretary of the Interior shall make all needful rules and regulations, not inconsistent herewith, for the proper execution and carrying into effect of all the provisions of this act.

SEC. 8. That Congress hereby reserves the right at any time to alter, amend, or repeal this act, or any portion thereof.

Approved, March 2, 1899.

CASES NOT COVERED BY THESE REGULATIONS.

32. If in the administration of said act cases are found which are not covered by these regulations, such cases will be disposed of according to their respective merits under special instructions, or supplemental regulations embracing cases of that character will be adopted, as may seem necessary.

Very respectfully,

W. A. JONES,
Commissioner

Approved:

E. A. HITCHCOCK, *Secretary.*

AMENDMENTS TO THE REGULATIONS OF THE DEPARTMENT OF THE
INTERIOR, UNDER ACT OF MARCH 2, 1899.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 8, 1901.

The regulations issued April 18, 1899, under the act of March 2, 1899 (30 Stats., 990), granting right of way for a railway, telegraph, and telephone line through any Indian reservation, land held by any tribe or nation in Indian Territory, lands reserved for agency or other purposes connected with Indian service, or allotted lands, are hereby amended as follows:

Paragraph 3, by adding the following after the seventh subdivision or section thereof:

Eighth. Satisfactory evidence of the good faith of the company and its financial ability in the matter of the construction of the proposed road.

Paragraph 18 as follows:

In filing maps of location for approval under this act the same should therefore be accompanied by the affidavit of the president or other principal officer of the company, defining the purpose, intent, and ability of the company in the matter of the construction of the proposed road. Further, each map should be accompanied by evidence of the service of an exact copy thereof and the date of such service, as follows:

1. In the case of lands in any Indian reservation or reserved for any purpose in connection with the Indian service, upon the agent or other officer in charge.
2. In the case of lands of one of the Five Civilized Tribes in Indian Territory, upon the principal officer of the tribe and also upon the Indian agent in charge.
3. In the case of an allotment not within a reservation and not upon lands of one of the Five Civilized Tribes, upon the agent or other officer under whose supervision such allotment falls and upon the allottee or owner, if living upon or in the vicinity of the allotment, and if not living thereon or in that vicinity, upon the person in actual possession of the allotment, and if no person be in actual possession thereof, then by posting in a conspicuous place upon the land a concise notice of the application for the right of way across the same.
4. In case of an allotment within a reservation or upon lands of one of the Five Civilized Tribes, in addition to the service required by subdivisions 1 or 2 hereof, whichever is applicable, a concise written notice of the application for a right of way across the allotment shall also be served upon the allottee or owner if living upon or in the vicinity of the allotment, and if not living thereon or in that vicinity, upon the person in actual possession of the allotment, and if no person be in actual possession thereof, then by posting in a conspicuous place upon the land, which notice shall recite the fact that a copy of the map of the proposed right of way may be inspected on application to the agent or officer in charge.

5. When personal service upon an allottee or owner of allotted land is not had, service under subdivisions 3 and 4 hereof shall be accompanied by a certificate of the agent or other officer under whose supervision the allotment falls, stating the existence of the specific facts justifying the particular manner of service employed.

A. C. TONNER,
Acting Commissioner.

Approved:

THOS. RYAN, *Acting Secretary.*

FORMS FOR PROOF OF ORGANIZATION OF COMPANY AND VERIFICATION OF MAPS OF LOCATION AND CONSTRUCTION OF RAILROADS.

(1.)

I, _____, secretary [or president] of the _____ Railroad Company, do hereby certify that the organization of said company has been completed; that the company is fully authorized to proceed with the construction of the road according to the existing laws of the State [or Territory], and that the copy of the articles of association [or incorporation] of the company herewith [or heretofore filed in the Department of the Interior] is a true and correct copy.

In witness whereof I have hereunto set my name and the corporate seal of the company.

[SEAL.]

_____,
_____, *of the _____ Railroad Company.*

(2.)

STATE OF _____,

County of _____, ss:

_____, being duly sworn, says that he is the president of the _____ Railroad Company, and that the following is a true list of the officers of the said company, with the full name and official designation of each, to wit: [Here insert the full name and official designation of each officer.]

[SEAL OF COMPANY.]

_____,
President of the Company.

(3.)

STATE OF _____,

County of _____, ss:

_____, being duly sworn, says he is the chief engineer of [or is the person employed to survey the line of route of the road of] the _____ Railroad Company; that the survey of the line of route of said road from _____ to _____, a distance of _____ miles, was made by him [or under his direction] as chief engineer of the company [or as surveyor employed by the company] and under its authority, commencing on the _____ day of _____, 190____, and ending on the _____ day of _____, 190____; and that such survey is accurately represented on the accompanying map.

_____,
_____.
_____,

Sworn and subscribed to before me this _____ day of _____, 190____.

[SEAL.]

_____,

Notary Public.

(4.)

I, _____, do hereby certify that I am the president of the _____ Railroad Company; that _____, who subscribed the foregoing affidavit, is the chief engineer of [or was employed to make the survey by] the said company; that the survey of line of route of the company's road, as accurately represented on the accompanying map, was made under authority of the company; that the said line of route so surveyed and as represented on the said map was adopted by the company by resolution of its board of directors on the _____ day of _____, 190____, as the definite location of the road from _____ to _____, a distance of _____ miles; and that the map has been prepared to be filed for the approval of the Secretary of the Interior, in order that the company may obtain the benefits of the act of Congress

approved March 2, 1899, entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes."

_____,
President of the _____ Railroad Company.

Attest:

_____,
Secretary.

[SEAL OF COMPANY.]

(5.)

STATE OF _____,

County of _____, ss:

_____, being duly sworn, says that he is the chief engineer of [or was employed to construct the road of] the _____ Railroad Company; that said road has been constructed under his supervision from _____ to _____, a distance of _____ miles; that its construction was commenced on the _____ day of _____, 190_____, and finished on the _____ day of _____, 190_____; that the line of constructed road conforms to the line of located route which received the approval of the Secretary of the Interior on the _____ day of _____, 190_____.
 _____, _____.

Sworn and subscribed to before me this _____ day of _____, 190_____.
 _____.

[SEAL.]

_____,
Notary Public.

(6.)

I, _____, do hereby certify that I am the president of the _____ Railroad Company; that the portion of the road from _____ to _____, a distance of _____ miles, was actually constructed as set forth in the foregoing affidavit of _____, chief engineer, or the person employed by the company in the premises; that in its construction the road does not deviate from the line of route approved by the Secretary of the Interior on the _____ day of _____, 190_____, and that the company has in all things complied with the requirements of the act of Congress approved March 2, 1899, granting to railroads the right of way through Indian reservations, Indian lands, and Indian allotments.

_____,
President of the _____ Railroad Company.

Attest:

_____,
Secretary.

[SEAL OF COMPANY.]

(7.)

STATE OF _____,

County of _____, ss:

_____, being duly sworn, says he is the chief engineer of [or the person employed by] the _____ Railroad Company, under whose supervision the survey was made of the grounds selected by the company for [station buildings, depots, etc., as the case may be], under the act of Congress approved March 2, 1899, granting to railroad companies the right of way through Indian reservations, Indian lands, and Indian allotments; said grounds being situated in the _____ quarter of section _____ of township _____, of range _____, in the State [or Territory] of _____; that the accompanying plat accurately represents the surveyed limits and area of the grounds so selected, and that the area of the ground so selected and surveyed is _____ acres and no more; that the company has occupied no other grounds for similar purposes upon public lands within the section of ten miles for

which this selection is made; and that, in his belief, the grounds so selected and surveyed, and represented, are actually and to their entire extent required by the company for the necessary uses contemplated by said act of Congress approved March 2, 1899.

_____,
_____.
_____.

Sworn and subscribed to before me this —— day of ——, 190—.

[SEAL.]

_____,
_____.
_____,

Notary Public.

(8.)

I, —— ——, do hereby certify that I am the president of the —— Railroad Company; that the survey of the tract represented on the accompanying plat was made under authority and by direction of the company, and under the supervision of —— ——, its chief engineer [or the person employed in the premises], whose affidavit precedes this certificate; that the survey as represented on the accompanying plat actually represents the grounds required in the —— quarter of section —— of township —— ——, of range —— ——, for the purposes indicated, and to their entire extent, under the act of Congress approved March 2, 1899, granting to railroad companies the right of way through Indian reservations, Indian lands, and Indian allotments; that the company has selected no other grounds upon public lands for similar purposes within the section of ten miles for which this selection is made; and that the company, by resolution of its board of directors, passed on the —— day of ——, 190—, directed the proper officers to present the said plat for the approval of the Secretary of the Interior, in order that the company may obtain the use of the grounds described, under said act approved March 2, 1899.

_____,
_____.
_____,

President of the —— Railroad Company.

Attest:

_____,
_____,
Secretary.

[SEAL OF COMPANY.]

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